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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

July 2007 Grand Jury

'07 CR 3161 LAB

UNITED STATES OF AMERICA, Plaintiff, v. GENARO SMITH-BALTIHER, Defendant.	Criminal Case No. ____________ I N D I C T M E N T Title 8, U.S.C., Secs. 1326(a) and (b) - Deported Alien Found in the United States

The grand jury charges:

On or about June 5, 2007, within the Southern District of California, defendant GENARO SMITH-BALTIHER, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Sections 1326(a) and (b).

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DDL:nlv:San Diego
11/20/07

It is further alleged that defendant GENARO SMITH-BALTIHER was removed from the United States subsequent to July 24, 2006.

DATED: November 20, 2007.

A TRUE BILL:

Foreperson

KAREN P. HEWITT
United States Attorney

By:

DAVID D. LESHNER
Assistant U.S. Attorney